

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF OKLAHOMA**

MIKE ELLIS,)	
)	
<i>Plaintiff,</i>)	
)	
v.)	Case No. CIV-18-1092-D
)	
JASON BRYANT, et al.,)	
)	
<i>Defendant.</i>)	

ORDER

Plaintiff Mike Ellis, a state prisoner appearing *pro se*, brought this civil rights action under 42 U.S.C. § 1983 against Defendants Joe Gwynn and Jason Bryant. The matter was referred to United States Magistrate Judge Gary M. Purcell for initial proceedings in accordance with 28 U.S.C. § 635(b)(1)(B) and (C).

On October 7, 2019, the magistrate judge issued a Report and Recommendation wherein he recommended Defendant Gwynn’s Motion for Summary Judgment [Doc. No. 22] be granted. Further, the magistrate judge recommended that Plaintiff’s Eighth Amendment claim against Defendant Bryant be dismissed pursuant to 28 U.S.C. § 1915A(b).

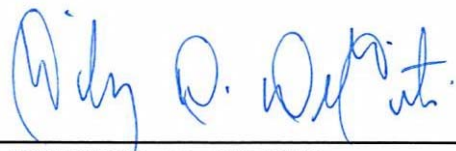
In his Objection, timely filed on October 15, 2019 [Doc. No. 28], Plaintiff presents no persuasive argument or authority that would cause this Court to reject the magistrate judge’s conclusions. To the extent Plaintiff attempts to introduce new arguments in his objection, the Court notes that “[i]ssues raised for the first time in objections to the

magistrate judge's recommendation are deemed waived.” *Marshall v. Chater*, 75 F.3d 1421, 1426 (10th Cir. 1996).

The Court has reviewed the entirety of the Report and Recommendation, as well as the case record, and fully concurs in the Report and Recommendation. Therefore, the Court, having conducted a de novo review,¹ finds that Plaintiff's Objection should be overruled, and hererby ADOPTS the Report and Recommendation [Doc. No. 27] in its entirety.

IT IS THEREFORE ORDERED that Defendant Joe Gwynn's Motion for Summary Judgment [Doc. No. 22] is **GRANTED**. Further, Plaintiff's Eighth Amendment claim against Defendant Bryant is **DISMISSED WITHOUT PREJUDICE**. A separate judgment shall be entered accordingly.

IT IS SO ORDERED this 24th day of October, 2019.



TIMOTHY D. DeGIUSTI
Chief United States District Judge

¹ Pursuant to Rule 72, where the district court refers dispositive matters to a magistrate judge for a report and recommendation, the district court “must determine de novo any part of the magistrate judge's disposition that has been properly objected to.” Fed. R. Civ. P. 72(b)(3); *Birch v. Polaris Indus., Inc.*, 812 F.3d 1238, 1246 (10th Cir. 2015).